

30 and Gable Road, St. Helens, Oregon. The meeting will begin at 7:30 pm and will last approximately two hours. The purpose of the meeting is to provide the NRC and the ODOE an opportunity to explain their respective decommissioning review processes and to provide interested members of the public an opportunity to ask questions and provide comments on the decommissioning of the Trojan plant.

Copies of the Decommissioning Plan and Environmental Report are available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW, Washington, DC 20555, and at the Local Public Document Room located on the fifth floor of the Branford Price Millar Library, Portland State University, 934 S.W. Harrison Street, P.O. Box 1151, Portland, Oregon 97207.

Dated at Rockville, Maryland, this 28th day of February 1995.

For the Nuclear Regulatory Commission.

**Seymour H. Weiss,**

*Director, Non-Power Reactors and Decommissioning Project Directorate, Division of Project Support, Office of Nuclear Reactor Regulation.*

[FR Doc. 95-5613 Filed 3-7-95; 8:45 am]

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## Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the Commission's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and data needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 6.9, "Establishing Quality Assurance Programs for the Manufacture and Distribution of Sealed Sources and Devices Containing Byproduct Material," provides guidance acceptable to the NRC staff on the essential elements needed to develop, establish, and maintain a quality assurance program for the manufacture and distribution of sealed sources and devices.

Comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time. Written comments may be submitted to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of

Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

Regulatory guides are available for inspection at the Commission's Public Document Room, 2120 L Street NW., Washington, DC. Copies of issued guides may be purchased from the Government Printing Office at the current GPO price. Information on current GPO prices may be obtained by contacting the Superintendent of Documents, U.S. Government Printing Office, Post Office Box 37082, Washington, DC 20013-7082, telephone (202) 512-2249. Issued guides may also be purchased from the National Technical Information Service on a standing order basis. Details on this service may be obtained by writing NTIS, 5285 Port Royal Road, Springfield, VA 22161.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 13th day of February 1995.

For the Nuclear Regulatory Commission.

**Eric S. Beckjord,**

*Director, Office of Nuclear Regulatory Research.*

[FR Doc. 95-5609 Filed 3-7-95; 8:45 am]

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## [Docket No. 50-318]

### Baltimore Gas and Electric Co.; Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR-69 issued to Baltimore Gas and Electric Company (the licensee) for operation of the Calvert Cliffs Nuclear Power Plant, Unit No. 2, located in Calvert County, Maryland.

The proposed amendment would revise the Calvert Cliffs, Unit No. 2, Technical Specifications (TSs). Specifically, TS 4.G.1.2 would reference 10 CFR part 50, Appendix J directly, and any approved exemptions to the Type A testing frequently requirements, rather than paraphrase the regulation. The proposed wording is consistent with that used in NUREG-1432, "Standard Technical Specifications—Combustion Engineering Plants," dated September 1992.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Would not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change revises Technical Specification 4.6.1.2.a to reference the testing frequency requirements of 10 CFR part 50, Appendix J, and to state that NRC-approved exemptions to the applicable regulatory requirements are permitted. The current Technical Specification 4.6.1.2.a paraphrases the requirements of Appendix J, paragraph III.D.1.(a) and necessitates a change to the Technical Specifications should the Appendix J language change or an exemption be granted. The proposed administrative revision simply deletes the paraphrased language and directly references Appendix J and any approved exemptions. No new requirements are added, nor are any existing requirements deleted. Any specific exemptions from the requirements of Appendix J, paragraph III.D.1.(a) will continue to require a submittal from Baltimore Gas and Electric Company under 10 CFR 50.12 and subsequent review and approval by the NRC prior to implementation.

The proposed change will provide a one-time exemption from the 10 CFR part 50, Appendix J, paragraph III.D.1.(a) leak rate test schedule requirement. This change will allow for a one-time interval between subsequent Type A test of approximately 72 months. It will also extend the second ten-year Type A testing service period to 12 years to coincide with the inservice inspection interval.

No physical or operational changes to the structure, plant systems or components would be made as a result of the proposed change. Furthermore, leak rate testing is not an initiating event in any accident, therefore this proposed change does not involve a significant increase in the probability of any accident previously evaluated.

Type A tests are capable of detecting containment leaks through containment penetrations and through the containment liner. The history at Calvert Cliffs Unit 2 demonstrates that Type B and C Local Leak Rate Tests (LLRTs) have consistently detected leakage through penetrations. With the exception of the first periodic Unit 2 Type A test in 1979, which failed and was promptly corrected, Type A tests have not

detected excessive leakage from the containment.

Administrative controls govern the maintenance, modification and testing of containment penetrations such that the probability of excessive penetration leakage due to improper maintenance or valve misalignment is very low. Following maintenance or modifications to any containment penetration, a leak rate test is performed to ensure acceptable leakage levels. Following any LLRT on a containment isolation valve, an independent valve alignment check is performed. Therefore, Type A testing is not necessary to ensure acceptable leakage rates through containment penetrations.

While Type A testing is not necessary to ensure acceptable leakage rates through containment penetrations, Type A testing is necessary to demonstrate that leakage through the containment liner is within limits assumed in the accident analyses. Structural failure of the containment is considered to be a very unlikely event, and in fact, since Calvert Cliffs Unit 2 has been in operation, the Type A tests have demonstrated no evidence that containment leakage will exceed that assumed in the accident analyses prior to the 1999 Type A test. Therefore, a one-time exemption increasing the interval between subsequent Type A tests will not result in a significant degradation in our ability to determine the leak-tightness of the containment structure.

Therefore, the proposed changes do not involve a significant increase in the probability or consequences of an accident previously evaluated.

2. Would not create the possibility of a new or different type of accident from any accident previously evaluated.

The proposed Technical Specification amendment is administrative and will not create the possibility of a new or different type of accident from any accident previously evaluated.

The proposed exemption request does not affect normal plant operations or configuration, nor does it affect leak rate test methods. The proposed change allows a one-time test interval of approximately 72 months for the Type A tests. As the test history of Calvert Cliffs Unit 2 has demonstrated no evidence that containment leakage will exceed that assumed in the accident analyses prior to the 1999 Type A test, the relaxation in schedule should not significantly decrease the confidence in the leak-tightness of the containment.

The proposed change would not change the design, configuration or method of operation of the plant. Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Would not involve a significant reduction in a margin of safety.

The purpose of the existing schedule for Type A tests is to ensure that the release of radioactive materials will be restricted to those leak paths and leak rates assumed in accident analyses. A one-time extended interval between successive Type A tests does not change any frequency or

methodology requirements for Type B and C LLRTs. Therefore, methods for detecting local containment leak paths and leak rates are unaffected by this proposed change. Given that the problems identified by the first periodic Type A test were promptly and effectively resolved, and the subsequent Type A test history for Unit 2 shows no containment degradation-related failures, a one-time increase of the test interval does not lead to a significant probability of creating a new leakage path or increased leakage rates.

The proposed Technical Specification change is administrative and eliminates the redundancy between the requirements of Technical Specification 4.6.1.2.a, and 10 CFR part 50, Appendix J, including any approved exemptions to Appendix J. It does not, in itself, change a safety limit, a Limiting Condition for Operation, or a surveillance requirement on equipment required to operate the plant. The NRC must approve any proposed change or exemption to Appendix J, paragraph III.D.1.(a) prior to implementation. As the proposed change does not affect the Type A test acceptance criteria, the margin of safety inherent in existing accident analyses is maintained.

Therefore, the proposed changes do not involve a significant reduction in a margin of safety.

Although the licensee has included an evaluation of a proposed exemption to 10 CFR part 50, Appendix J, requirements in the above determination of no significant hazards consideration, only the part related to the amendment is pertinent to this notice of proposed amendment. The exemption request will be considered as a separate matter on its own merits. The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should

the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Rules Review and Directives Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D22, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By April 7, 1995, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Calvert County Library, Prince Frederick, Maryland 20678. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As requiring by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons

why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact.

Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final

determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves a significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves no significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Services Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC, by the above date. Where petitions are filed during the last 10 days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1-(800) 248-5100 (in Missouri 1-(800) 342-6700). The Western Union operator should be given Datagram Identification Number N1023 and the following message addressed to Ledyard B. Marsh: petitioner's name and telephone number, date petition was mailed, plant name, and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Jay E. Silbert, Esquire, Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW., Washington, DC 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)-(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated February 24, 1995, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Calvert County Library, Prince Frederick, Maryland 20678.

Dated at Rockville, Maryland this 1st day of March 1995.

For the Nuclear Regulatory Commission.

**Daniel G. McDonald,**

*Senior Project Manager, Project Directorate I-1, Division of Reactor Projects—I/II, Office of Nuclear Regulation.*

[FR Doc. 95-5611 Filed 3-7-95; 8:45 am]

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[Docket Nos. 50-369 and 50-370]

**Duke Power Co.; Issuance of Amendments to Facility Operating Licenses, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing**

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License Nos. NPF-9 and NPF-17 issued to Duke Power Company (the licensee) for operation of the McGuire Nuclear Station, Units 1 and 2, located in Mecklenburg County, North Carolina.

The proposed amendments would revise Technical Specifications (TS) 3.8.2.1 and 3.8.3.1 to allow installation of a modification to replace the battery, main and tie breakers in response to an Electrical Distribution Systems Functional Inspection (EDSFI), conducted by the NRC in July 1991. The existing breaker arrangement could result in a trip of both the battery and main breakers if a fault occurs on one of the 125 VDC panelboards. The licensee committed to have these breakers replaced in 1995 with a better coordinated design to eliminate the concern.

Before issuance of the proposed license amendments, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant